

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

COLIN BROWN,)
Plaintiff,)
v.) Civil Action No. 1:21-cv-416
PUNCH BOWL ARLINGTON, LLC,)
Defendant.)

ORDER

On December 29, 2021, United States Magistrate Judge Ivan D. Davis entered the Report and Recommendation (the “Report”) in this case, recommending that default judgment be entered in favor of Plaintiff Colin Brown and against Defendant Punch Bowl Arlington, LLC in this American with Disabilities Act (“ADA”) case.

Upon consideration of the record and Judge Davis’s Report, to which no objections have been filed, and having found no clear error,¹

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 18).

Accordingly,

It is hereby **ORDERED** that plaintiff’s motion for default judgment (Dkt. 10) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to Count

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate’s report, the court “need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”).

I of the Complaint, which alleges disability discrimination, as discussed in the Report. The motion is denied with respect to Counts II and III, which allege a hostile work environment and retaliation.

It is further ORDERED that DEFAULT JUDGMENT be entered in favor of Plaintiff Colin Brown and against Defendant Punch Bowl Arlington, LLC.

It is further ORDERED that default judgment is entered against Defendant and in favor of Plaintiff on Count I of the Complaint in an amount of \$123,558.97, which consists of (i) \$ 642.05 in economic damages; (ii) \$ 64,967.76 in backpay; (iii) \$ 20,000 in emotional distress damages; (iv) \$34,864.50 in attorney's fees; and (v) \$3,084.66 in fees and costs.

It is further ORDERED that Counts II and III of the Complaint are DISMISSED.

The Clerk of the Court is directed to enter Rule 58 judgment against Defendant and in favor of Plaintiff on Count I of the Complaint in an amount of \$123,558.97, which consists of (i) \$ 642.05 in economic damages; (ii) \$ 64,967.76 in backpay; (iii) \$ 20,000 in emotional distress damages; (iv) \$34,864.50 in attorney's fees; and (v) \$3,084.66 in fees and costs.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendant's last known addresses of record, and to place this matter among the ended causes.

Alexandria, Virginia
January 20, 2022


T. S. Ellis, III
United States District Judge